

THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No. 5:21-cv-201-D

RONNIE WALLACE LONG, )  
)  
Plaintiff, )  
)  
v. )  
)  
CITY OF CONCORD; VAN WALTER )  
ISENHOUR, in his Individual Capacity; )  
DAVID JOHN TAYLOR, in his Individual )  
Capacity; the Estate of GEORGE MONROE )  
VOGLER, JR.; the Estate of MARSHALL )  
JAMES LEE; the Estate of JACK MOORE; )  
MERL HAMILTON, in his Official )  
Capacity; GUY SMITH, in his Official )  
Capacity; GARY GACEK, in his Official )  
Capacity; and JOHN and JANE DOES 1-10, )  
in their Individual Capacities; BARRY M. )  
LEA, in his individual capacity; the Estate of )  
HAYWOOD R. STARLING, in his )  
individual capacity; JOHN H. WATTERS, )  
in his individual capacity; and UNKNOWN )  
AGENTS OF THE STATE BUREAU OF )  
INVESTIGATION; )  
)  
Defendants. )

**MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

NOW COMES Defendant Barry M. Lea, (hereinafter "Lea") and Defendant John H. Watters, (hereinafter "Watters") by and through undersigned counsel for the purpose of moving to dismiss Plaintiff's First Amended Complaint [D.E. 24] pursuant to Rules 12(b)(1), (2), and (6) of the Federal Rules of Civil Procedure, for lack of subject matter jurisdiction, lack of personal jurisdiction and failure to state a claim upon which relief can be granted and move for the dismissal of Plaintiff's First Amended Complaint for the reasons explained more fully in the memorandum of law filed contemporaneously herewith.

Respectfully submitted this the 27th day of September, 2021.

**JOSHUA H. STEIN**  
**ATTORNEY GENERAL**

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**CERTIFICATE OF SERVICE**

I hereby certify that the date indicated above, I electronically filed the foregoing **MOTION TO DISMISS** with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following registered CM/ECF users:

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This the 27th day of September, 2021.

/s/ Bryan G. Nichols  
Bryan G. Nichols  
Assistant Attorney General